FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petil ioners herein request a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure height of 22 feet in lieu of the maximum permitted 15 feet for a proposed barn in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or generwelfare of the public and should therefore be granted. In the opinion f the Zoning Commissioner, the information, pictures, and affidavits abmitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

- purpount to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE. IT IS ORDERED by the Zoning Commissioner for Baltimore County this Aday of September, 1991 that the Petition for Residential Variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure height of 22 feet in lieu of the maximum permitted is feet for a proposed barn, in accordance dance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

granted:

JRH:bjs

2) Petitioners shall not allow or cause the proposed accessory structure to be converted to a second dwelling unit and/or apartments. The barn shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.

> Zoning Commissioner for Baltimore County

The undersigned hereby affirms under th Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/ere competent to testify thereto in the event that a public hearing is scheduled in the future with

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

SEE ATTACHMENTS

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

I HEREBY CERTIFY, this 1th day of 1991, before Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared quest Kane and Patricia Kane

the Afficat(s) herein, personally known or satisfactorily identified to me as such Afficant(s), and page cath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/ter/their knowledge and belief.

NAY COMMISSION EXPIRES NOVEMBER 1, 1891

• 92-51-A

- 1. The property adjacent to our property to the north belongs to the State of Maryland and used primarily as a watershed for the protection of the Little Gunpowder River. The terrain itself is densely wooded and very steep with no plans in the future for any use, except to act as a watershed area for the protection of the river.
- 2. The proposed barn will require a setback of 75'0" from the existing house and a setback of 35'0" from the edge of the property line. With these setbacks we would not be able to locate our proposed barn of 20'x 20' on the north or south side of our property.
- 3. To utilize the back portion of our property on the east side of our property would encroach upon the septic field established by Baltimore County when we applied for a building permit for our home. Also it is the only open space we have to the back portion of our property and we would like very much to keep this space as a open space area.
- 4. As it is, the proposed site would be 16'0" from the property line and cannot be moved any further south because of the steep embankment.
- 5. I would estimate that the proposed barn would be no higher than 21'0", which is no more than 6'0" higher than the requirement of 15'0" established by Baltimore County for a shed or any other outbuilding.
- 6. Because our backyard slopes downwards, it is impossible to operate any motor vehicle in this area when the grass is wet. Vehicles will get stuck; however, on the lower portion of our property, the proposed site is accessible from the roadway and the motor vehicles will not get stuck regardless of the weather.
- Contract work has already been done in order to utilize the difference in height of the two areas created by the abandoned railroad bed. The structure will be on stilts making the floor level meet the upper most portion of the backyard. The lower portion or ground level, can then be utilized for the storage of our utility trailer and a small boat, which according to rules of the development are not to be in plain view.
- 8. We also have a wood fence surrounding the entire back and side yards, with openings in the front and back for motor vehicles to pass through. If we were to build a structure in the only accessible area for a barn, that would block the back entrance to the lower portion of our property along with the removal of several already existing fruit trees.

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Jeptember 12. 1991

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Mr. & Mrs. Joseph M. Kane 13821 Pleasantville Road Baldwin, Maryland 11013

RE: PETITION FOR RESIDENTIAL VARIANCE W/S Pleasantville Road, 3850' N of the c/l of Ford Road (13821 Pleasantville Road) 11th Election District - 5th Councilmanic District Joseph M. Kane, et ux - Petitioners Case No. 32-51-A

Dear Mr. & Mrs. Kane:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

9. Our home was not designed for the storage of large

will fulfill this need.

no environmental changes.

communities' setting.

Ma & Pa Railroad.

backyard.

bulky items, such as lawn equipment, pool supplies,

10. If the proposed barn is located in the back yard area

11. The community itself is sparsely residential with

outbuildings which would blend right into the

12. The proposed location would blend in perfectly to the

13. The proposed site will not be in anyone's view; the

surrounding area and enable us to utilize the steep

roadway, neighbors or from the state park. Where

proposed, the barn is engulfed by trees, and it will

enable us to utilize our land to the utmost without

breaking it up with an outbuilding in the middle of our

be far below the tree line. The proposed site will

embankment on our property created by the abandoned

woodworking equipment, tools, etc., which are used for

the upkeep of our property. The barn, where proposed,

other than the proposed site, it would interfere with

the traffic pattern in the yard, causing the removal of

several trees. The proposed location for the barn is

ideal in that it is in a clearing in the woods, needing

numerous farms; barns; stables and numerous other

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

> Very truly yours, ROBERT HAINES Zoning Commissioner for Baltimore County

JRH:bjs

ca: People's Counsel

File

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s):

JOSEPH MI KANE (Type or Print Name) of Mixane PATRICIA M KANE

PETITION FOR RESIDENTIAL VARIANCE

The undersigned, legal owner(s) of the property situate in Deltimore County and which

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

the description and plat attached hereto and made a part hereof, petition for a Variance from Section

400.3 - to allow an accessory structure a height of 💥 in lieu of the maximum 15'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason:

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing

of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

indicate hardship or practical difficulty)

SEE ATTACHMENTS

Centract Purchaser:

Elby/State/Zip Code

Attorney for Petitioners

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted. JOSEPH M KANE

13821 PLEASANTVILLE RO 5922818

ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19___, that the subject matter of this posted on the property on or before the _____ day of _____, 19____.

ZONING COPPLESIONER OF BALTIMORE COUNTY

IT 18 FURTHER GROERED by the Zoning Commissioner of Baltimore County, this Had day of Milestof, 19 9/, that the subdast out Baltimore County, that the property be reposted, and that the public hearing be had before the Zoning Commissioner of Bultimore County

92-51-A

Beginning at a point on the west side of Pleasantvill Road which is 20'0" wide at the distance of 3850'0" north of the centerline of the nearest improved intersecting street of Fork Road which is 20'0" wide. Being Lot # 1, Section # Plat 4, in the subdivision of Theodore Cypull as recorded in Baltimore County Plat Book # 40, Folio # 073, containing 96616.08 or 2.218 acres. Also known as 13821 Pleasantville Road, Baldwin, Maryland 21013, and located in the # 11 Election District.

Beginning for the same at a point on the easternmost side of Pleasantville Road as widened and at the northwest corner of Lot No. 1 as laid out on Plat No.4 of the Property of Theodore Cypull which plat is recorded among the Plat Records of Baltimore County in Plat Book E.H.K.Jr. No. 40 folio 73, said point also being in the North 89 Degrees 17 minutes 40 seconds West 1077.76 foot line of a parcel of land which by a deed dated February 20, 1967 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4731 folio 68 was conveyed by Theodore L. Cypull and wife to the State of Maryland, to the use of the Department of Forests and Parks, said point being distant South 82 degrees 12 minutes 40 seconds East 40.33 feet measured reversely along said line from a railroad spike heretofore set at the end thereof and running thence and binding on a part of said line and binding on the northernmost outline of Lot No. 1 as shown on said plat, South 82 degrees 12 minutes 40 seconds East 377.72 feet, thence binding on the easternmost outline of said lot South 18 degrees 36 minutes West 283.58 feet, thence binding on the southernmost lines of said Lot No. 1 and binding on the northernmost line of a strip of land 24 feet wide as shown on said Plat No. 4 of the Property of Theodore Cypull, North 71 degrees 24 minutes West 400 feet to the easternmost side of Pleasantville Road as widened and thence binding on the easternmost side of said road as widened the two following lines viz: North 18 degrees 36 minutes East 45 feet and Northeasterly by a line curving toward the right having a radius of 500 feet for a distance of 171.06 feet (the chord of said are bearing North 28 degrees 24 minutes 50 seconds East 170.24 feet) to the place of beginning

Containing 2.218 Acres of land more or less.

ZOMMS DEPARTMENT OF BALTIMORE COUNTY 92-57-15

Posted for:

Posted for:

Fosted for:

Location of property:

Location of Signs:

Loca

	riece
Baltimore County Zoning Commisioner County Office Building 111 West Chesapeake Avenue	
Towson, Maryland 21204 Date	Account: R-001-6150 Number
8/08/91	H9200059
PUBLIC HEARING FEES	Q1Y PRICE
010 -ZUNING VARIANCE (IRL)	√1 X \$35.00
080 -POSTING SIGNS / ADVERTI	SING 1 X \$25.00
LAST NAME OF OWNER: KAME	TOTAL: \$40.00
	SAR TRUE CONTRACT SAR TR

13821 Pleasantville Road

111 West Chesapeake Avenue

Towson, MD 21204

Joseph and Patricia Kane 13821 Pleasantville Road

Baldwin, MD 21013

August 16, 1991

Baltimore County Government

Zoning Commissioner

Office of Planning and Zoning

887-3353

Re: CASE NUMBER: 92-51-A LOCATION: W/S Pleasantville Road, 3850' N of centerline of Fork Road

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before August 25, 1991. The closing date is September 9, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD. THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens

(301) 887-3391

Caltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

September 4, 1991

887 3353

Mr. & Mrs. Joseph M. Kane 13821 Plasantville Road Baldwin, MD 21013

West Chesapeake Avenue

wson, MD 2120 i

RE: Item No. 59, Case No. 92-51-A Petitioner: Joseph M. Kane, et ux Petition for Residential Variance

Dear Mr. & Mrs. Kane:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

JED:jw

Enclosures

111 West Chesapeake Avenue Towson, MD 2120 c

887 3353

Your petition has been received and accepted for filing this 8th day of August, 1991.

Baltimore County Government

Office of Zoning Administration

and Development Management

Office of Planning & Zoning

Petitioner: Joseph M. Kone, et ux Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

BA CO09:19AMD8-08-91

DATE: August 23, 1991 Arnold Jablon, Director Zoning Administration and Development Management

Pat Keller, Deputy Director Office of Planning and Zoning SUBJECT: Townshend Property, Item No. 57

Chancellor Kane Goldman Anton Wilhelm

In reference to the Petitioner's request, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL:rdn ITEM57/ZAC1

Ree'd 8/23/11

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 20, 1791 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for August 20, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 55, 57, 58, 59, 60, 61 and 63.

For Item 52, this site must be submitted through the minor subdivision process for review and comments.

For Item 45, a revised County Review Group Meeting is required for these additions.

For Item 49, the previous County Review Group Comments are still applicable. For Item 56, the location given for the sign appears

to be within the right-of-way of the public road. Developers Engineering Division

RWB:5

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: September 26, 1991

Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

Rahee J. Famili SUBJECT: Z.A.C. Comments

12 THA 019

Z.A.C. MEETING DATE: August 20, 1991

This office has no comments for item numbers 45, 52, 55, 56, 57, 58, 59, 60, 61 and 63.

Traffic Engineer II

RJF/lvd

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

RECEIVED

ZONING OFFICE

ZONING COMMISSIONER, DEPARTMENT ZONING RICHARD F. SEIM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

SUBJECT:

ZONING ITEM #: 59 PROPERTY OWNER: Joseph M. Kane, et ux

LOCATION: W/S Pleasantville Road, 3850' N of Centerline Fork Road (#13821 Pleasantville Road) ELECTION DISTRICT: 11th COUNCILMANIC DISTRICT: 5th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.02.02, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

() PARKING LOCATION () NUMBER PARKING SPACES () BUILDING ACCESS

() RAMPS (degree slope) () CURB CUTS () SIGNAGE

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

('/) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE

TO COMPLY TO NEW USE REQUIREMENTS. () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 517.0 COUNCIL BILL #192-90 (BALTIMORE COUNTY BUILDING CODE).

() OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE APPLICABLE CODE: 1990 NATIONAL BUILDING CODES AS ADOPTED BY COUNTY COUNCIL BILL #192-90 EFFECTIVE 1/13/91











